FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3989 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. R.A. Thorat for petitioner.

CORAM: B.H. MARLAPALLE,J.

07/06/2007.

P.C.:

. TE & R Suit No. 44/54 of 2003 was decreed by the learned Judge of the Small Causes Court at Bandra by judgment and order dated 10/2/2005. Being aggrieved by the said decree, defendants filed Appeal No. 94/05 before the Appellate Bench of the same court. Being aggrieved by the judgment and order dated 9/2/2005 to the extent of grant of mesne profits only at a too little rate of Rs.28,259/- instead of Rs.6 lacs per month from Feburary 2003, the plaintiff also filed Appeal No. 139/05 before the Appellate Bench of the same court. The appeal of the plaintiff was allowed and the appeal

of the defendant was dismissed by common order dated 6/10/2006.

. The petitoner, therefore, hs a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)